

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>H. DOE, D. DOE, C. DOE, H.A. DOE, R. DOE, and R.T. DOE,</b>	:  :  :	
<b>Plaintiffs</b>	:	<b>CIVIL ACTION NO. 3:19-879</b>
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
<b>CITY OF WILKES-BARRE and ROBERT COLLINS,</b>	:  :  :	
<b>Defendants</b>	:	

**ORDER**

Pending before the court is the defendant City of Wilkes-Barre's motion to quash plaintiffs' subpoena addressed to Arch Insurance pursuant to Fed.R.Civ.P. 45. (Doc. 45).

In its motion, defendant argues, in part, that the subpoena is improper under Federal Rule of Civil Procedure 45(c)(2)(A) because Arch Insurance is located more than 100 miles from the Middle District of Pennsylvania. Rule 45 "places 'geographical limitations on the reach of a court's subpoena power and prescribes guidance for the court to follow when it considers subpoenas which transgress these geographic boundaries.'" *Fed. Trade Comm'n v. Thomas Jefferson Univ.*, 2020 WL 4347371, at \*2 (E.D. Pa. July 29, 2020) (quoting *Audi of Am., Inc. v. Bronsberg & Hughes Pontiac, Inc.*,

2017 WL 1471491, at \*2 (M.D. Pa. Apr. 25, 2017)). Rule 45 provides that, on a timely motion, a court must either quash or modify a subpoena that “requires a person to comply beyond the geographical limits specified in Rule 45(c).” *Id.* (citing Fed.R.Civ.P. 45(d)(3)(A)(ii)). Rule 45(c)(2)(A) states that a subpoena may command the production of documents, electronically stored information or tangible things at a place within 100 miles of where the person (1) resides, (2) is employed or (3) regularly transacts business in person. Fed. R. Civ. P. 45(c)(2)(A).

Defendant argues that Arch Insurance is more than 100 miles from the Middle District of Pennsylvania and does not have any employees or legal representatives located within the court’s jurisdiction, and therefore, the subpoena is improper. Plaintiffs concede that Arch Insurance is more than 100 miles from the Middle District of Pennsylvania, but argue that the mailing rate is the same whether Arch Insurance is 100 miles or 1 mile from the Middle District of Pennsylvania. Plaintiffs do not provide any support for their argument that the court can ignore the geographical limits imposed by Rule 45 based on mailing rates.

In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

The defendant's motion to quash, **(Doc. 45)**, is **GRANTED**.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Court**

**DATE: September 23, 2021**

19-879-07